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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/768,667 | 01/24/2001 | Takeo Hoda | 05058/02806 | 4380 |
| 24367 | 7590 | 07/14/2006 | EXAMINER | |
| SIDLEY AUSTIN LLP 717 NORTH HARWOOD SUITE 3400 DALLAS, TX 75201 | | | NGUYEN, HUY THANH | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2621 | |

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,667

Applicant(s)

HODA ET AL.

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42,44,46,56 and 57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42,44,46,56 and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 42, 44, 46 and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tojo et al (5,737,014) in view of Kinoshita et al ((4,897,732) and Sasaki et al (5,034,804).

Regarding claims 42, 44, 46 and 56, Tojo discloses a camera having a recording/reproducing apparatus (Figs. 1, 3) reproducing the images signal. The apparatus comprises:

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a first storing means (20) for storing a plurality of images column 2, lines 61-65);

a second memory (7) for storing a plurality of images;

a reproducing means for reproducing the image signals from the first memory and the image signal from the second memory ; and

a changer means (40,38,11) for selecting a reproduction of either the image signals from the first memory or second memory in accordance with a first condition or second condition respectively (column 18, lines 17-26, column 7, lines 14-20).

Tojo further reaches that the first memory is detachable but fails to teach that the second memory is fixedly installed in the camera . Kinoshita teaches a camera having a first memory detachable from the camera and a second memory that is fixedly installed in the camera (Fig. 4) .

It would have been obvious to one of ordinary skill in the art to modify Tojo with Kinoshita by using the teaching of Kinoshita for fixedly installing the second memory in the camera as an alternative method of installing the second memory in the camera .

Tojo as modified with Kinoshita further teaches a processor for receiving the image data from the first and second memories and supplying the image data the processor (31) to the reproduction device(10) (See Kinoshita Figs, 4,6,8).

Tojo further teaches that the image pick up apparatus having body and the recorder 2 can be attached and combined with the image pickup apparatus to form a camera having a body that covers the first memory and second memory (column 9, lines 21-45).

Tojo as modified with Kinoshita further teaches a processor for receiving the image data from the first and second memories and supplying the image data the processor (31) to the reproduction device(10) (See Kinoshita Figs, 4,6,8) but fails to teaches a detecting means for detecting whether the first memory is attached to the camera. Sasaki teaches a camera having a attached memory and a detecting means for detecting whether the memory is attaches to the camera for purpose of prevent error in recording and reproducing the images from the memory (column 9, lines 5-30). It would have been obvious to one of ordinary skill in the art to modify Tojo as modified with Kinoshita by providing means for installing the memory and detecting means of Sasaki into the apparatus of Tojo as modified with Kinoshita for storing the images and detecting whether the memory is attachable to the camera thereby prevent error in recording and reproducing the images .

The combination of Tojo and Kinoshita and Sasaki further teaches selecting the images from the first memory is be reproduced when the memory is attached to the camera and the mages from the second memory to be reproduced since the user can select either the first memory or second memory to reproduce the stored images . When the first memory is detected not to be attached to the camera the user can select the second memory to reproduce the images.

Regarding claim 57, Tojo as modified with Sasaki further teaches the first memory is a IC card (see Sasaki column 2, lines 24-40)

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3. Claims 42, 44, 46 and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taka (5,162,833) in view of Sasaki et al (5,034,804).

Regarding claims 42, 44, 46, 56, Taka discloses a camera having a body recording/reproducing apparatus (Fig. 1) for recording and reproducing the image signal. The apparatus comprises:

- a first storing means (10) installed inside the camera body for storing a plurality of images (column 3, lines 53-65) column 2, lines 61-65);

- a second memory (12) installed inside the camera body for storing a plurality of images;

- an image processor (14, 16);

- a reproducing means (14, 16) for reproducing the image signals from the first memory and the image signal from the second memory; and

- a changer means (40, 38, 11) for selecting a reproduction of either the image signals from the first memory or second memory in accordance with a first condition or second condition respectively (column 8, lines 38-42, column 12, lines 55-60).

Taka teaches first memory and second memory are installed in the camera body since, at columns 3 and 4, Figs. 1 and 2, Taka teaches the internal circuits inside the camera including the first memory and second memory and buttons mounted on camera body used for operating the first memory and second memory.

Taka fails to specifically teach that the first memory is detachable from the camera body and means for detecting whether the detachable memory is attached to the camera. However, it is not that using detachable memory for storing the images

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and a detecting means for detecting whether the memory is attached to the camera is well known in the art as taught by Sasaki (column 2, lines 24-40, column 9, lines 5-30). Therefore, it would have been obvious to one of ordinary skill in the art to modify Taka with Sasaki by using a detachable memory as an alternative to the first memory of Taka for storing the images in order to easily replace or use or reuse the first memory when needed.

The combination of Taka and Sasaki further teaches whether the first memory is attached to the camera and selecting the images from the first memory is reproduced when the memory is attached to the camera and the images from the second memory to be reproduced since Taka teaches the user can select either the first memory or second memory to reproduce the stored images and Sasaki teaches means for detecting whether the memory is attached to the camera or not. When the first memory is detected not to be attached to the camera the user can select the second memory to reproduce the images.

Regarding claim 57, Tada as modified with Sasaki further teaches the first memory is a IC card (see Sasaki column 2, lines 24-40)

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N


HUYNH NGUYEN
PRIMARY EXAMINER